

91st Illinois General Assembly Senate Transcript

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

17th Legislative Day

March 9, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks, and will our guests in the galleries please rise? Our prayer today will be given by Pastor Rick Wenneborg, Chatham Christian Church, Chatham, Illinois. Pastor Wenneborg.

PASTOR RICK WENNEBORG:

(Prayer by Pastor Rick Wenneborg)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal, Mr. Secretary.

SECRETARY HARRY:

Senate Journals of Tuesday, March 2nd, and Wednesday, March 3rd, 1999.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journal just read. There being no objection, so ordered. Senator Myers, for the second time.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Thursday, March 4th, in the year 1999, be postponed, pending arrival of the printed Journal.

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PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Dillard, Chair of the Committee on Local Government, reports Senate Bills 286, 820, 844 and 939 Do Pass; Senate Bills 235, 387, 536, 537, 804 and 868 Do Pass, as Amended.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Bills 353, 473, 672, 762 and 881 Do Pass; and Senate Bills 458, 498, 541, 544, 563, 646 and 850 Do Pass, as Amended.

PRESIDENT PHILIP:

Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1213, offered by Senator Parker.

(Secretary reads title of bill)

Senate Bill 1214, by Senator Myers.

(Secretary reads title of bill)

Senator Radogno offers Senate Bill 1215.

(Secretary reads title of bill)

Senate Bill 1216, by Senator Cullerton.

(Secretary reads title of bill)

Senator Bowles offers Senate Bill 1217.

(Secretary reads title of bill)

Senate Bill 1218, by Senator Bowles.

(Secretary reads title of bill)

Senate Bill 1219, presented by Senator Bowles.

(Secretary reads title of bill)

Senate Bill 1220, Senator Bowles.

(Secretary reads title of bill)

Senator Shaw offers Senate Bill 1221.

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(Secretary reads title of bill)

And Senate Bill 1222, by Senator Shaw.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT PHILIP:

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. President. I'd like the record to reflect that Senator Viverito is absent today due to the weather conditions. And also, Senator Bowles is absent today. She's attending the funeral of the death of her brother. So there's a death in the family. I'd like the record to so reflect.

PRESIDENT PHILIP:

The record will so indicate. Resolutions.

SECRETARY HARRY:

Senate Resolution 23 {sic} (57), offered by Senator Dudycz.
It's substantive.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Good morning, Ladies and Gentlemen. We're going to start on page 2 with 2nd Reading. Top of the page. ...going to start with Senate Bills 2nd Reading on the top of page 2. Senate Bill 6. Senator O'Malley. Senator O'Malley? Senate Bill -- out of the record. Oh. Senator O'Malley, Senate Bill 6? Out of the record. Senate Bill 13. Senator Syverson. Senator Syverson? Out of the

record. Senate Bill 26. Senator Petka. Out of the record.
Senate Bill 29. Senator Parker? Out of the record. Senate Bill
31. Senator Sieben. Out of the record. Senate Bill 32. Senator
O'Malley. Out of the record. Senate Bill 38. Senator Karpiel?
Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 38.

(Secretary reads title of bill)

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2nd Reading of the bill. The Committee on Revenue adopted one
amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 39. Senator Madigan? Robert
Madigan? Senator -- read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 39.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 44. Senator Lauzen. Senator Lauzen? Out of the record. Senate Bill 71. Senator Sieben. Out of the record. Senate Bill 82. Senator del Valle. Senator del Valle. Out of the record. Senate Bill 85. Senator Klemm. Senator Klemm. Out of the record. Senate Bill 110. Senator Clayborne. Senator Clayborne? Senate Bill 110. Out of the record. Senate Bill 171. Senator Klemm. Out of the record. Senate Bill 185. Senator Syverson. Senator Syverson? Out of the record. Senate Bill 204. Senator Rauschenberger. Out of the record. Senate Bill 206. Senator Radogno. Out of the record. Senate Bill 217. Senator Syverson. Out of the record. Senate Bill 223. Senator Halvorson. Senator Halvorson? Senator Halvorson. 223. Out of the record. Senate Bill 248. Senator

Radogno. Read the bill, Mr. Secretary. 248.

SECRETARY HARRY:

Senate Bill 248.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 252. Senator Lauzen. Senator Lauzen? Out of the record. Senate Bill 268. Senator Parker? Out of the record. Senate Bill 276. Senator Cronin. Senator Cronin? Out of the record. Senate Bill 283. Senator Walsh. Thomas Walsh. 283. Read the bill, Mr. Secretary. Out of the record. Senate Bill 287. Senator Syverson. Senator Syverson? Out of the record. Senate Bill 290. Senator Lauzen. Out of the record. Senate Bill 294. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 294.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 323. Senator Parker. Out of the record. Senate Bill 324. Senator Maitland. Out of the record. Senate Bill 354. Senator Noland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 354.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 358. Senator O'Malley. Read the

bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 358.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 363. Senator Thomas Walsh? Out of the record. Senate Bill 401. Senator Hawkinson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 401.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Judiciary adopted one amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there -- any further amendments filed?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 402. Senator O'Malley. Read the

bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 402.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 415. Senator Lauzen. Senator Lauzen? Out of the record. Senate Bill 421. Senator Thomas Walsh. Senator Thomas Walsh. 421. Out of the record. Senate Bill 430. Senator Bomke? Out of the record. Senator -- Senate Bill 441. Senator Cronin? Out of the record. Senate Bill 447. Senator O'Malley? 447. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 447.

(Secretary reads title of bill)

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2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 448. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 448.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 451. Senator Berman. Senator Berman? Out of the record. Senate Bill 452. Senator Burzynski. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 452.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 461. Senator O'Malley? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 461.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 462. Senator Watson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 462.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 463. Senator Watson. Read the

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bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 463.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 358. Senator -- I'm sorry. 464.

Senator Watson, what purpose do you rise? 464. Senator Watson.

Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 464.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 466. Senator Sullivan? Read the
bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 466.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 547. Senator Lauzen? Out of the record. Senate Bill 549. Senator Trotter? Senator Trotter? Out of the record. Senate Bill 565. Senator Obama. Senator Obama? Out of the record. Senate Bill 566. Senator Halvorson. Out of the record. Senate Bill 574. Hawkinson. Out of the record. Senate Bill 658. Senator Peterson? Out of the record. Senate Bill 659. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 659.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

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PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 665. Senator Peterson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 665.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Revenue adopted one amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Have there been any other amendments filed?

SECRETARY HARRY:

No further amendments reported, Madam Secretary {sic}.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 667. Senator Cronin? Out of the record. Senate Bill 754. Senator Shaw. 754. Senator Shaw? Read the bill, Mr. Secretary. I'm sorry. Senate Bill -- Senate Bill 745. Senator Shaw. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 745.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 746. Senator Shaw. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 746.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 753. Senator Radogno. Out of the record. Senate Bill 770. Senator Rea? Read the bill, Mr. Secretary.

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SECRETARY HARRY:

Senate Bill 770.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Operations adopted one amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Senate Bill 815. Senator Thomas Walsh? Senator Thomas Walsh. Out of the record. Senate Bill 879. Senator Lauzen? Out of the record. Senate Bill 890. Senator Dillard? Out of the record. Senate Bill 932. Senator Rauschenberger. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 932.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

3rd Reading. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer -- or, re-referred from the Judiciary Committee to the Rules Committee - Senate Bill 1064; referred to the Committee on Public Health and

Welfare - Senate Bill 1064; to the Committee on State Government Operations - Senate Amendment 2 to Senate Bill 70; and Be Approved For Consideration - Senate Amendment 2 to Senate Bill 38, Senate Amendment 1 to Senate Bill 257, Senate Amendment 2 to Senate Bill 283, Senate Amendment 1 to Senate Bill 481.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Thank you, Madam President. I'd like the record to reflect also that Senator Berman also is absent today due to the weather conditions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

So noted. Ladies and Gentlemen of the Senate, we're going to the Order of 3rd Reading on page 6. And could we ask you to be a little quieter. You can discuss whatever you wish, but you can do it very quietly, because you're very noisy. 3rd Reading. Senate bills on page 6. Senate Bill -- Senator Rauschenberger? Senate Bill 17? Out of the record. Senate Bill 20. Senator Rauschenberger? Senate Bill 20. Out of the record. Senate Bill 45. Senator -- Senator Parker. Read the bill, Miss Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 45.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 45 merely puts on a opportunity for a checkoff for children's cancer on their income tax form. I would answer any questions and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate Bill 45 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 53 voting Aye, none voting Nay, none voting Present.

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And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 48. Senator

Silverstein. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 48.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

Yes, Miss President. This bill is an attempt to close an existing loophole in Illinois law. It -- it rises out of the unfortunate incident that happened in Washington this summer, where an individual shot and killed two police officers in the U.S. Capitol. The individual obtained his firearm owner identification card in Illinois and has a history of mental illness. What this law -- what this bill would do, would allow the State Police, upon their request, to check into other states to see if anyone else has any mental illness, by the applicants signing a waiver. I think it's an important measure and -- something that has to be put into effect. I'll address any questions.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the Senator yield for a question or two?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He said he would.

SENATOR JACOBS:

Senator, why would you want to allow the State Police to have this authority?

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Seems to me that this is a tremendous authority you're giving to the Illinois State Police.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

In 1997, six thousand of these cards were revoked. Twelve hundred was revoked in Illinois because individuals had mental illnesses. That's a serious number. We're allowing the State Police to go into another state, if those records are available, to check if someone does have a mental illness that would forbid them from getting a card in Illinois.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Is -- would you consider, beings that we're only talking twelve hundred and six thousand, is this special legislation?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

I don't think so.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Yeah. I see where the City of Chicago is a proponent of this and the Illinois Medical Society is opposed to it. Can you tell me why the Illinois Medical Society would be opposed to a bill that purportedly is going to save lives?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

I think that their objections were satisfied because an

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amendment was made that it would be discretionary upon the State Police.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Jacobs.

SENATOR JACOBS:

Well, just one more question and then I'll -- then I'll close,

Madam President. It appears to me that we're being a little frivolous here and -- and I think that this is the type bill that you probably should reconsider and have pulled out of the record.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR PETERSON:

Senator, you said that the State Police will have to do extra investigations of these individuals and work with other states. How many more personnel are we going to have to hire to do this?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

None. This will be upon their request. They have thirty days to process the application. So this would just be a matter of if they know that an individual was living in another state, to check that state to see if they have any mental health records on that individual. It will cost the State no monies.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Peterson.

SENATOR PETERSON:

Senator, we've had these bills before, and pretty soon you're going to be coming in next year and the State Police are going to

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ask for a big appropriation 'cause they need more computers. They're going to need more personnel and, you know, it's just going to be a costly -- a costly type of piece of legislation. I think you should reconsider this and maybe look at some of the ramifications.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Senator, how long have you been here in the Senate?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein, will you respond, please?

SENATOR SILVERSTEIN:

Metaphysically or mentally? This is my -- in fact, it is going to be less than a month.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

So, in less than a month, do you think that you're qualified to come up with such substantial piece of legislation? I mean, this is your first bill, isn't it?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

Yes. Yeah, I think I'm fairly qualified, given the esteemed colleagues I'm surrounded on this side of the aisle.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Hendon.

SENATOR HENDON:

Is -- is this some leftover Howie Carroll bill that you found in his desk drawer or something? I mean, I see Howie Carroll's fingerprints all over this legislation. And I just want to know

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that. Is this -- is this a Howie Carroll bill that you promised to carry for Howie or...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

Howie sat in front of you. I'm two down, and the answer is No.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Hendon?

SENATOR HENDON:

Well, not to belabor the point, but I -- I just think that

once again we find some freshman barely knows where -- where the
bano is, the bathroom. He just got here. And all of a sudden he
-- he want to save the entire world with legislation such as this.
I -- I just can't see voting for this legislation, and I do
believe that it was something he found in Howie Carroll's desk,
who was a little taller and a little more handsome, if I might
add.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Sullivan.

SENATOR SULLIVAN:

The sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR SULLIVAN:

Sponsor, our -- our computers aren't coming up with the
analysis on it. Who are the opponents to this legislation?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

The Medical Society and the National Rifle Association. But
-- but I don't -- I don't believe the Medical Society is opposed,

based upon the amendment.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Silverstein.

SENATOR SILVERSTEIN:

Yes.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senate -- Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR BURZYNSKI:

Okay. Unless I misunderstood something, my analysis does say that the State Police are also opponents to the bill. Is that correct?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

No. There was an amendment that was adopted on the Floor. They wanted it discretionary -- make it discretionary upon themselves so they can move the process faster. They're no longer opposed.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

So the amendment that made it discretionary, that allowed them to be selective in who they requested the background check for is

what made -- is what made them remove their opposition?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

The reason they -- they wanted to make it discretionary, if --

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if they have knowledge that the individual has some mental illness. They didn't want to go through each application, 'cause -- to hold off the application, but if they -- and the process, but if there was some information that the individual had mental illness, this would allow them to investigate this in another state.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Burzynski?

SENATOR BURZYNSKI:

Do any other states provide this kind of check now?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

No. We would be the first and one of the leading states, which puts us ahead of -- of the game.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Burzynski.

SENATOR BURZYNSKI:

Would it not be better to draft a resolution that would encourage the State of Illinois to enter into intergovernmental agreements with other states to provide this sort of background check, rather than making it mandatory through legislation?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- Senator Silverstein.

SENATOR SILVERSTEIN:

All states do this with their own applicants. What we're doing is we're trying to set up a system to prevent what happened in Washington again. And that's it. If states do have a -- a computer printout of individuals that have mental illnesses, this will allow us to go in and -- and tap that. If they don't, then we're precluded and it's stopped.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Senator Burzynski.

SENATOR BURZYNSKI:

I -- I guess my question is whether or not we could do that

now without the legislation, but, also, I am a little bit concerned about the State Police having the discretionary authority to pick and choose which records or files that they request, as well. And I think that could potentially create a problem with discrimination.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Demuzio. Senator Demuzio?

SENATOR DEMUZIO:

Well, thank you very much. Can you -- if the Senator will yield for a question, please.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

I'm sure that he will.

SENATOR DEMUZIO:

Can you tell me why the National Rifle Association and the State Medical Society are opposed to this bill?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

The State Medical Society is supporting the bill based upon the amendment. I think the Rifle Association opposes it for obvious reasons.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I had questions about this bill and I was prepared to vote against it until the gentleman to my right, Mr. Hendon, got up and spoke against it. It must be a good bill, so I think I'm going to vote for it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

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Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. Senator Silverstein, there's no national database of this kind that we know of. Right?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

That's correct.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Demuzio {sic}.

SENATOR DUDYCZ:

And -- and it says that we would have to have the cooperation of every U.S. state in the territory for us to be able to check on the criminal -- or the mental history of a -- a FOID applicant. And the State Police would be responsible for getting this information?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

The ideal situation was if we had a national database, but

that's not the fact. The point of the matter is, the State Police, with -- with the waiver that would be signed, would be allowed to ask another state for an individual's status. You got to remember here, the reason for this bill is there's a -- there's a right of privacy and what we're asking these applicant's to do, if they want a gun so much, let's make sure that they're mentally competent and physical, not even in Illinois, but other states.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Dudycz.

SENATOR DUDYCZ:

How would the investigation take place? Would that State Police officer have to go to the home state or the previous

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location of where that -- that applicant lived and check with their law enforcement?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

Based upon my research, they would have to check with that state's mental health records, similar to what we have here in Illinois, if they do exist. If they don't, they don't, but this

just gives an added tool to the State Police.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCH:

And do you know what it would cost to send all these State Police officers all over the country to be checking on the background of these applicants?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

We're not sending them. It's a phone call or you fax the waiver to the -- that department head. We wouldn't be sending anybody anywhere.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Madam President. Just one -- one observation and -- and one final question of Senator Silverstein. In your opening remarks or when responding to one of the questions earlier, you said physically you've been here about -- you've been here about a month and then you mentioned metaphysically. How long have you been here metaphysically?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

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SENATOR SILVERSTEIN:

I'll let my -- I'll let Demuzio - I call him Socrates - answer that question later.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCZ:

Just so -- just so...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Dudycz.

SENATOR DUDYCZ:

Just so you know that, Senator Silverstein, you created history today. For the first time, at least in the fifteen years I've been down here, we've had one freshman questioning another freshman on his first bill. Senator Sullivan stood up and was questioning you. So this must be a very historical day for you and Senator Sullivan, since you're both debating a bill that neither one of you know anything about.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

It's very historical when Senator Demuzio can be Socrates the Greek. Anyway, Senator Silverstein.

SENATOR SILVERSTEIN:

I -- I just can't wait until Senator Sullivan presents his first bill. I hope we -- bring lunch with you, and dinner.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator -- any further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much. Just -- just clarification of a couple of things that were said. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He will yield.

SENATOR TROTTER:

Senator, I guess I might have -- might have certainly missed

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something. Rickey Hendon, Senator Hendon, asked about your qualifications and -- and I thought you said in comparison to everyone on this side of the aisle, that you are certainly qualified. Are you calling us mentally ill on this side of the aisle, or -- or what?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein, would you like to respond to that?

SENATOR SILVERSTEIN:

If -- if you want to introduce legislation to that effect, I'll debate that, but...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Trotter.

SENATOR TROTTER:

He's really -- he's obviously made a deal already with the majority side, because I don't know how he's going to get a vote on this one. Just a question. The standards of these other states -- say that he's been in a mental institution, and ours says within the past five years that -- if -- they can apply for FOI {sic} (FOID) card. So meaning, I'm assuming, from this language, that if they had been in there six years or -- or prior to that, that they're eligible to have it. Now, do these other states that you're proposing that we deal with have this same standard, or suppose they have a less standard than we do?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The Senate would appreciate the whistling subside. Thank you. Senator Silverstein.

SENATOR SILVERSTEIN:

That's correct. It -- it would be the same window. That's correct, Senator Trotter.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further, Senator Trotter?

SENATOR TROTTER:

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No. Just -- it's just surprising, again. And I agree with some of the previous speakers that we have a young man who obviously is full of himself, who -- who's -- and -- and he's come forward to -- to vote for this bill. I'm -- I'm inclined to vote with Senator Petka, as he did in committee, for Present for this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Shaw.

SENATOR SHAW:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR SHAW:

Yeah, Senator Silverstein, just a couple of questions. On the -- on the mental health portion, in terms of checking other states, how in depth would the State Police be permitted to go?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

Like I responded to Senator Dudycz, it would just be a matter of faxing the waiver to their mental health department to see if someone has been declared incompetent or have had some mental illness. The reason the State Police wanted an amendment is they have thirty days to process this application, and this should in no way delay it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Anything further? Senator Shaw.

SENATOR SHAW:

Yeah. On the -- with the private-pay people that are in

private hospitals. Now, we understand about the state portion of it, if you've been into some state facility. How does this bill get to the private hospitals? How do you get that information

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from the private hospital?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

With -- with regard to the private pay, the court records would be available to see if someone has been declared incompetent.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shaw.

SENATOR SHAW:

No, I think you misunderstood me. I -- I'm mentally ill, okay? Let's turn that around. You are mentally ill and you go to Michael Reese in Chicago; you register in there. How do -- how would the State Police from this State get that from some other state?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

If I was mentally ill and after -- I might be after today, if that individual was receiving some type of public aid or assistance, those records would be available.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shaw.

SENATOR SHAW:

In other words, unless a person is on public aid or some type of assistance you're going to miss -- the State Police is going to miss a -- miss a large segment of people that are -- are possibly mentally ill people that might be applying for weapons.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

Not necessarily. If there are court records or if there has

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been incidents where there has been reports to the police and those states have a database, then they will catch it.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Shaw.

SENATOR SHAW:

All right. I thought I heard from one of the previous Senators who questioned this, and I thought I heard you answer, that there was no database set up -- national database set up for such a -- a program. And -- and finally, it -- it -- it seems to me that -- and this is -- probably is a good bill, and I understand your intent of the bill and -- but probably you need to do a little more work on it in terms of including the people who is not included in this bill, and that's the private-pay people who register into a hospital, who the state or the Department of Mental Health would not have access to their records, just readily, to give the State Police. So if you care to respond to that, but I'm concerned about that portion of the -- of the bill, is where that the -- the -- that group of people that's not caught up in the net that you are looking at who's -- who's registered into the state mental facilities. There's hundreds and thousands of other hospitals that -- where that the private-pay people can go that are mentally ill and you would never be able to come up with a record under this bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Did you wish to respond, Senator Silverstein?

SENATOR SILVERSTEIN:

I -- I disagree. The Department of Human Services would have a record of any individual who had been reported or registered in a mental institution. So they would definitely have records. Now, it depends on each state. Some states might not have it -- might not. You are correct. If there was a national database, that would be great, but that's for Congress to do, not for us.

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Wish to close.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Further discussion? Senator Molaro. Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. Sometimes when someone has their first bill, we -- we actually make light of it and we forget what's going on here, 'cause it's kind of a shame 'cause this is kind of a crazy bill. The only thing I do want to ask, if the sponsor will yield for a question.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

He indicates that he will.

SENATOR MOLARO:

Besides, if you can answer again, whatever standard that the State Police would have to be able to ask this, what if -- what if the State Police or someone else misuses the information? Is there any penalty in the bill for that misuse?

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein.

SENATOR SILVERSTEIN:

No. This is going to be with the -- solely the discretion of the State Police to check another state to see whether or not he

or she has any mental problems or has been mentally incompetent, and that would be the basis for refusing the -- the application.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion, Senator Molaro?

SENATOR MOLARO:

One -- one last question. So -- so, therefore, if -- if somehow they get information, because this guy -- and it doesn't stop him and it's misused by the State Police, for whatever reason, do we have any...

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Silverstein, will you respond, please?

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SENATOR SILVERSTEIN:

Two things, the bill addresses that it's confidential, plus there is a severe right of privacy here that would be intruded upon. So your concerns are -- are alleviated with the confidentiality.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Senator Thomas Walsh.

SENATOR T. WALSH:

Thank you, Madam President. I move the previous question.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Motion to move the previous question granted. No further speakers. Senator Silverstein, to close.

SENATOR SILVERSTEIN:

This has truly been an experience. I have two other bills up this morning, too. In seriousness, this is an important measure. If it needs work, we'll do it in the House. But this is designed to protect the citizens. It's -- it's an issue of privacy; however, it's an issue of protecting Illinois citizens, and I'd ask for a Yes vote on this measure.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

The -- the question is, shall Senate Bill 48 pass. Those in favor, vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Any further votes? Madam Secretary, take the record. On that question, there are 42 voting Aye, 7 voting Nay, 3 voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. Senate Bill 70. Senator Radogno. Out of the question {sic}. Senate Bill 105. Senator Watson. Senate Bill 109. Senator Munoz. Senator Munoz? Senate Bill 109. Senate Bill 117. Senator Luechtefeld. Read the bill, Madam Secretary. May I have your attention, please? Senate Bill 117.

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ACTING SECRETARY HAWKER:

Senate Bill 117.

(Secretary reads title of bill)

1st Reading -- 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. Senate Bill 117 amends the Alternative Health Care Delivery Act. There is a facility in my district that handles severe brain injury. They've been operating for approximately twenty years. They do not fall into certain categories, such as maybe a nursing home or a health -- or a mental health facility. The Department of Public Aid has suggested that they be licensed. Originally this bill would have licensed three of these throughout the State. This is now simply going to be one facility licensed. Would appreciate your support. Would answer any questions that you might have.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Any further discussion? Any further discussion? Hearing none, the question is, shall Senate Bill 117 pass. Those in favor, vote Aye. Those opposed will vote Nay. The -- the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Madam Secretary. On that question, there are 52 voting Aye, none voting Nay, none voting Present. And this bill, having received the required constitutional majority, is hereby declared passed. House Bills

1st Reading.

ACTING SECRETARY HAWKER:

House Bill 7.

(Secretary reads title of bill)

House Bill 387, offered by Senator O'Daniel.

(Secretary reads title of bill)

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1st Reading of the bills.

PRESIDING OFFICER: (SENATOR GEO-KARIS)

Is there any further business to come before the Senate? If not, Senator Jones - Wendell Jones - moves that the Senate stand adjourned until the hour of noon, Wednesday, March 10. We stand adjourned till the hour of noon, Wednesday, March 10. Senate is adjourned.

